

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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JAMES E. MACKLIN,

Plaintiff,

v.

No. 2:08-cv-02667-JPM-cgc

DELTA METALS COMPANY, INC., a Tennessee  
corporation,

Defendant.

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MOTION FOR AWARD OF ATTORNEY'S FEES AND COSTS

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COMES NOW the Plaintiff, James E. Macklin, by and through his counsel of record, and moves this honorable Court for an award of attorney's fees in the amount of \$49,468.00 and costs in the amount of \$2,171.53, pursuant to 29 U.S.C. § 216(b), on the grounds that Plaintiff is the prevailing party in his FLSA claim against the Defendant in view of this Court's award of damages in Plaintiff's favor. In support of his Motion, Plaintiff attaches the Declaration of Jennifer M. Bermel, as Exhibit A; the Declaration of William B. Ryan, as Exhibit B; and, the Declaration of Dale Tuttle, as Exhibit C. In addition, Plaintiff relies upon the arguments and authority presented in the Memorandum submitted in support of this motion.

**LOCAL RULE 7.2 CERTIFICATE OF CONSULTATION**

Today, Jennifer M. Bermel, counsel for Plaintiff, contacted Earl W. Houston, counsel for Defendant Delta Metals Company, Inc., via telephone and e-mail and ascertained that Defendant opposes Plaintiff's motion.

Respectfully Submitted,

s/ Jennifer M. Bermel

Jennifer M. Bermel #21392  
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CERTIFICATE OF SERVICE

I, Jennifer M. Bermel, hereby certify that a true and correct copy of the foregoing document was forwarded by electronic means via the Court's electronic filing system to the following:

Shea S. Wellford  
Earl W. Houston  
MARTIN, TATE, MORROW & MARSTON  
6410 Poplar Avenue  
Suite 1000  
Memphis, TN 38119

THIS, the 18th day of January, 2010.

s/ Jennifer M. Bermel  
Jennifer M. Bermel